

REMARKS

Applicants respectfully request reconsideration of the present application.

CLAIMS STATUS

Applicants have cancelled claims 1-7 without prejudice or disclaimer. Applicants reserve the right to file one or more continuation applications directed to the subject matter of the cancelled claims.

Applicants have introduced new claims 8-10. Support for the new claims can be found throughout the application as filed and, in particular, for claim 8, on page 3, lines 11-17, page 7, lines 16-20 and 25-28 and on page 8, lines 1-26; for claim 9, in the original claim 1 and page 7, lines 25-28; and for claim 10, in the original claim 7. No new matter has been added.

After the amendment, claims 8-10 are pending.

REJECTION UNDER 35 U.S.C. §112, ¶ 2

Claims 1-7 stand rejected as indefinite. Applicants believe that the revised claim set obviates the rejection.

REJECTION UNDER 35 U.S.C. §101

Claim 5 stands rejected because it is a “use” claim format. Applicants believe that the revised claim set obviates the rejection.

REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1, 2 and 4 stand rejected as anticipated by Nikonov *et al.* Fundam Clin. Pharmacol. 1999; 13(1): 102-6. Applicants believe that the revised claim set obviates the rejection.

Claim 3 stands rejected as anticipated by Greff (FR 2603188) or Nikonov *et al.* (RU 2113843C1). Applicants believe that the revised claim set obviates the rejection.

REJECTIONS UNDER 35 U.S.C. §103

Claims 6-7 stand rejected as obvious over Bini (US 6,020,181) in view of Nikonov Fundam. Clin. Pharmacol. 1999; 13(1): 102-6. Applicants believe that the revised claim set obviates the rejection.

NEW CLAIMS 8-10

Claims 8-10 are new and non-obvious over the cited references Bini and Nikonov (1999). Bini teaches “a method of inhibiting thrombus formation by a medical-related apparatus, comprising contacting a medical-related apparatus with a composition comprising a fibrinolytic matrix metalloproteinase.” Bini does not provide any suggestion or motivation to replace a fibrinolytic matrix metalloproteinase with any other substance, much less, with a liposome destabilase complex recited in the present claims. Thus, one of ordinary skill in the art would not have a required motivation and a required reasonable expectation of success to combine Bini and Nikonov to arrive at the method of claim 8, which requires “associating the eluted liposome destabilase complex with the implantable medical prosthesis to produce the implantable medical prosthesis having the anticoagulating and immunomodulatory activity” or to arrive at the implantable medical prosthesis of claims 9 and 10, which recite “a prosthesis support having a surface and a cladding covering at least a part of the surface, wherein the cladding comprises a liposome destabilase complex, ... wherein the ... liposome destabilase complex has an anticoagulating and immunomodulatory activity.” Even if, for argument’s sake, one would have combined teachings of Bini and Nikonov, one still would not have arrived at the claimed invention, as neither Bini, nor Nikonov teach an implantable medical prosthesis having an anticoagulating and immunomodulatory activity.

CONCLUSION

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this

application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

By A. Sepigin (Reg. # 56,439)
Alexey Sepigin
FOR Stephen B. Maebius
Attorney for Applicants
Registration No. 35,264